

SENATE BILL No. 2

By Senator Holland

6-3

1 AN ACT concerning property taxation; relating to buildings and
2 improvements destroyed or substantially destroyed by natural disaster;
3 amending K.S.A. 79-1613 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-1613 is hereby amended to read as follows: 79-
7 1613. (a) As used in this section;

8 (†) "destroyed or substantially destroyed" means damage of any
9 origin sustained by a ~~homestead building or improvement~~ as the direct
10 result of: ~~(A)(1) An earthquake, flood, tornado, fire or storm; or (B) (2) an~~
11 event or occurrence ~~which~~ that the governor of the state of Kansas has
12 declared a disaster, whereby the cost of restoring the structure to its before-
13 damaged condition would equal or exceed 50% of the market value of the
14 structure before the damage occurred.

15 (2) ~~"Homestead" means the dwelling, or any part thereof, whether~~
16 ~~owned or rented, which is occupied as a residence by the household and so~~
17 ~~owned of the land surrounding it, as defined as a home site for ad valorem~~
18 ~~tax purposes, and may consist of a part of a multi-dwelling or multi-~~
19 ~~purpose building and a part of the land upon which it is built or a~~
20 ~~manufactured home or mobile home and the land upon which it is situated.~~
21 ~~"Owned" includes a vendee in possession under a land contract, a life~~
22 ~~tenant, a beneficiary under a trust and one or more joint tenants or tenants~~
23 ~~in common.~~

24 (3) ~~"Public or private buyout" means any buyout from a local, state or~~
25 ~~federal governmental entity or any non-governmental entity, including, but~~
26 ~~not limited to, an individual, foundation, trust, association, corporation,~~
27 ~~limited liability company or partnership.~~

28 (b) The owner of any ~~homestead building or improvement~~ listed and
29 assessed for property taxation purposes ~~which~~ as *real property* that was
30 destroyed or substantially destroyed due to an earthquake, flood, tornado,
31 fire, storm, or other event or occurrence ~~which~~ that the governor of the
32 state of Kansas has declared a disaster may make application to the board
33 of county commissioners of the county in which such property is located
34 for the abatement of property taxes levied upon such ~~homestead building~~
35 ~~or improvement~~ or for a credit against property taxes payable by such
36 owner, as permitted by this section.

1 (1) If such ~~homestead~~ *building or improvement* has been so destroyed
2 or substantially destroyed after January 1 of a particular year but prior to
3 August 15 of such year, the owner of such ~~homestead~~ *building or*
4 *improvement* may make application to such board of county
5 commissioners for the abatement of property taxes levied upon such
6 ~~homestead~~ *building or improvement*, or if such property taxes have been
7 paid or partially paid, may make application for the granting of a credit
8 against property taxes payable by such owner during any or all of the next
9 succeeding three taxable years.

10 (2) If such ~~homestead~~ *building or improvement* has been so destroyed
11 or substantially destroyed on or after August 15 of a particular year but
12 prior to January 1 of the next succeeding year, the owner of such
13 ~~homestead~~ *building or improvement* may make application to such board
14 of county commissioners for the granting of a credit against property taxes
15 payable by such owner during any or all of the next succeeding three
16 taxable years.

17 (c) An application for relief as permitted by subsection (b) may be
18 made for abatement of property taxes assessed but not yet paid, or for a
19 grant of a credit for assessed property taxes paid or for both, as the case
20 may be, and may be made on or before December 20 of the year next
21 succeeding the year for which such taxes have been assessed.

22 (d) Upon receipt of any such application, subject to budgetary
23 restraints of the county or taxing subdivision arising from the event or
24 occurrence declared a disaster by the governor, the board of county
25 commissioners shall inquire into and make findings regarding, among
26 other things, ~~whether the property is a homestead, as defined in subsection~~
27 ~~(a), whether the~~ *homestead building or improvement* was destroyed or
28 substantially destroyed, as defined in subsection (a) and the assessed
29 valuation thereof. If it is determined that an owner of such ~~homestead~~
30 *building or improvement* is entitled to an abatement of all or any portion of
31 the property taxes levied against such ~~homestead~~ *building or improvement*
32 or is entitled to a credit against property taxes payable by such owner in
33 any or all of the next succeeding three years, the board may issue an order
34 so providing.

35 (e) The county clerk and county treasurer shall in each case of
36 abatement or credit correct their records in accordance therewith and the
37 county clerk shall notify the governing body of any taxing district affected
38 thereby.

39 (f) The provisions of this section shall be applicable to all taxable
40 years commencing after December 31, ~~2014~~ 2018, and all taxable years
41 thereafter.

42 Sec. 2. K.S.A. 79-1613 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the Kansas register.